195/ B CLASS

File No. ELW 1251

P.W DEPARTMENT

U BRANCH

Subject:— Labour.

Model Provisions regarding hours of work etc. for insertion in state enactments permitting exaction of forced labour

BIK 1951

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File No. ELW 1251

Eld. Scott. Slip. 91 A

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G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. FLW 1251

P.W. DEPT.

U BRANCH.

References :—

Separated from main B(M)

Copies from main B(M)

Date.	To whom sent.	Notes and instructions.

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No. G-32 Office of the Superintending Engineer,
Karnatak Irrigation Circle,
Dharwar, 21st April 1951.

To

The Chief Engineer to
the Government of Bombay,
Public Works Department,
Bombay-1.

Subject:- Model provisions regarding hours of work etc. for insersion in the State Enactments permitting exaction of forced labour.

Reference: Government, P.W.D., Endorsement No.3557/48-W, dated the 3rd February and 22nd March 1951.

2. I have to offer my remarks on the above subject as under:-

The routine working of this Department does not require compulsory labour except under the Bombay Irrigation Act for undertaking emergent work such as sudden breach in a canal or tank. I am of the opinion that the model provisions of the proposed "forced or compulsory labour Act" would suit the requirements of the Bombay Public Works Department with the following modifications:-

Some of the sub-clauses under clause 3 appear too restrictive to obtain adequate compulsory labour in an emergency.

(i).....

K 2

(i) The words "who are occupied in agricultural operations" occuring in clause (g) may be deleted, in view of the discretion allowed to the competant authority by clause (j). Otherwise it will be practically impossible to get any labour in the mofussil.

(ii) Clause (h) may be deleted in view of clauses (c) and (i). With the break up of the joint family system, it will be extremely difficult to find a family where there are four male

Superintending Engineer, K.I.C.

W 27/4

BR/24-4.

P. W. D.
File No. ELW 1251
Serial No. 36987

27/4 W 27-4-51

Letter.

U R G E N T.
No.ELW 1251 "

Public Works Department,
B.C.(Bombay No. 1) ,
6th August 1951.

To

The Secretary to Govt.,
Labour and Housing Department,
Bombay.

Subject:- Model provisions reg.hours of insertion in the State enactments permitting execution of forced labour.

.....

Reference:- Correspondence ending with your Express Letter No. 1432/48/28091-C,dated the 26th July 1951.

2. I am directed to state that occasions to employ forced labour for P.W.D. works are very rare or almost 'nil'. The only emergency to employ such labour arises under the Bombay Irrigation Act i.e., when a sudden breach occurs in a canal or in a tank. The model provisions suggested are acceptable. I am, however, to sugge the following amendments, additions and modifications to the same:-

(i) The provisions do not state anything about the sickness arising while on work. This should be mentioned. Any payment either in shape of cash or other value made in that behalf should be excluded from the turm "wages".

(ii) Clause 4(1) should be concluded with "whichever is higher".

(iii) As regards clause 3 (d),distance in case of Railway journey should be specified (may not more than 100 miles).

(iv) Since the provisions proposed are in respect of forced, adult male labour the word 'male' may be inserted between "any" and "person" appearing in (h) and between "a" and "person" in (k).

(v) Upper age limit of the forced labour should be 50 or 55 years only, instead of 60 years as provided in the draft model rules [Clause 3(e)].

(vi) Some of the sub-clauses under Clause 3 appear to be too restrictive to obtain adequate compulsory labour in an emergency. It is, therefore, suggested that the words "who are occupied in agricultural operations", occurring in Clause 3(g) may be deleted, in view of the discretion allowed to the competant authority by Clause 3(j). Otherwise it will be practically impossible to get any labour in the moffussil. Clause 3(h) may also be delted in view of Clauses 3(c) and (i). With the break up of the joint family system, it will be extremely difficult to

find...

find a family where there are four male adults.

(vii) The remuneration in kind as proposed in Clause 4(iii) is likely cause great inconvenience both to Government and labour for the selection made in kind by Government may not be acceptable every time. Hence only one system of making payment namely in coin should be kept in vogue.

By order etc.

Sd/-

ASSISTANT SECRETARY TO THE GOVERNMENT
OF BOMBAY, PUBLIC WORKS DEPARTMENT.

Issued
Ial
6-8-51

D.A.: Nil.

LMA3/9/56.